

MINUTES

CITY COUNCIL-CLOSED SESSION TUESDAY, FEBRUARY 7, 2012- 6:00 P.M. CALISTOGA COMMUNITY CENTER

A) ORAL COMMUNICATIONS

No public comment.

B) CALL TO ORDER

Mayor Gingles called the Regular Session to order at 6:00 p.m.

In attendance were the following: Councilmember Chris Canning, Councilmember Gary Kraus, Councilmember Karen Slusser, Vice Mayor Michael Dunsford, and Mayor Jack Gingles.

Also present was City Manager Richard Spitzer.

C) ADJOURN TO CLOSED SESSION ON THE FOLLOWING MATTERS:

1. Conference with Legal Counsel – Existing Litigation pursuant to Government Code Section 54956.9 (a)

Name of Case: Page Construction Company v. City of Calistoga; Arbitration Case No. A-003-2011

2. Conference with Legal Counsel, Existing Litigation pursuant to Government Code Section 54956.9(a)

Name of Case: Rancho de Calistoga, a California General Partnership v. City of Calistoga; Case No. 26-57311 and Case No. C11-05015

3. Conference with Legal Counsel, Existing Litigation pursuant to Government Code Section 54956.9(a)

Name of Case: Solano County Water Agency et al. v. Department of Water Resources


D) CONVENE TO OPEN SESSION TO REPORT FROM CLOSED SESSION

Mayor Gingles announced that there was no reportable action out of tonight's Closed Session.

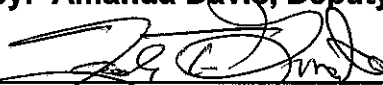
E) ADJOURNMENT

Mayor Gingles adjourned the Closed Session at 7:00 p.m. to the regular meeting of the Calistoga City Council, on Tuesday, February 7, 2012
Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

Respectfully submitted:



Prepared by: Amanda Davis, Deputy City Clerk



Approved by: Jack Gingles, Mayor

MINUTES

CITY COUNCIL – REGULAR MEETING TUESDAY, FEBRUARY 7, 2012 - 7:00 P.M. CALISTOGA COMMUNITY CENTER

A) CALL TO ORDER

Mayor Gingles called the Regular Session to order at 7:02 p.m.

In attendance were the following: Councilmember Chris Canning, Councilmember Gary Kraus, Councilmember Karen Slusser, Vice Mayor Michael Dunsford, and Mayor Jack Gingles.

Also present were Public Works Director/City Engineer Dan Takasugi, City Manager Richard Spitler, and Deputy City Clerk Amanda Davis.

B) SALUTE TO THE FLAG

C) ACTION OUT OF CLOSED SESSION

Mayor Gingles announced that there was no action out of Closed Session held this evening.

D) ORAL COMMUNICATION ON CONSENT ITEMS OR NON-AGENDA ITEM

None.

E) APPRECIATION AWARDS

- 1) **Mayor Gingles** presented a five-year appreciation award to Brandon Gray, Public Works Maintenance Technician. Brandon was not present at the meeting.

F) ADOPTION OF MEETING AGENDA

It was **MOVED** by **Councilmember Kraus** and **SECONDED** by **Councilmember Slusser** to approve the Council Meeting Agenda. The Motion was carried unanimously.

G) COUNCIL REQUESTS AND IDEAS FOR DISCUSSION

Councilmember Slusser stated that she is the Council's representative, along with Police Chief Mills to the Napa County Gang Task Force Commission. She stated that they will be hosting a Task Force here in Calistoga on February 15th, 2012, 4:30 p.m., at the Calistoga Community Center. She said that this program will include two guest speakers who will share stories about their experiences with being involved with gangs.

Councilmember Canning thanked Public Works Director Takasugi for making himself available to attend the annual Chamber of Commerce membership meeting. He stated that Mr. Takasugi presented and discussed the Caltrans paving projects that will be happening in Calistoga.

Councilmember Kraus discussed the dog licensing fees for Calistoga residents. He would like to know what service these fees provide for the citizens of Calistoga. He discussed the dog park issue and wonders if these fees could go towards constructing a dog park in the City of Calistoga.

Mayor Gingles stated the following:

- He requested that staff meet with the dog park committee to discuss the dog park issue.
- He stated that on February 8th, 2012 at 1:00 p.m. in Sacramento there is a meeting with the California Transportation Committee regarding the re-routing of Hwy 29. He stated that at this meeting they will also discuss bridges throughout the state of California. He said that Calistoga has a bridge that is located on Hwy 29 near Palisades Road that is on the proposal to rebuild, dismantle or move.
- He stated that a letter (Communication A) was received from Sophie Gullung regarding the swimming pool and the possibility of an early opening.
- He stated that Bob Vanderford, a long time resident and advocate for the visually impaired in Calistoga, passed away recently.
- He stated that the City received a letter a week ago indicating that he may have a conflict of interest with some of the decisions he has made regarding Solage. He stated, for the record, that the FPPC and three attorneys have been contacted and there is no conflict.

H) PRESENTATION

None.

I) CONSENT CALENDAR

- 2) Minutes of the January 17th, 2012 regular City Council meeting

- 3) **Consideration of a Resolution authorizing the use of a City Street for the Calistoga Chamber of Commerce Spring Jazz Festival on March 10th, 2012**
- 4) **Consideration of a Resolution Declaring Certain Property Surplus, and Authorizing the City Manager to Dispose of Said Property**

Councilmember Canning requested that Item No. 3 be pulled.

It was **MOVED** by **Vice Mayor Dunsford** and **SECONDED** by **Councilmember Slusser** to approve Items No.2 and 4 on the Consent Calendar. The Motion was carried unanimously.

Councilmember Canning pulled Item No. 3 to discuss the location of the tent. He stated that there is a business that has expressed some concern with the proposed location of the tent. He stated that the Chamber of Commerce would like the opportunity to mitigate the concern, and if they are unable to mitigate the concern they request the flexibility to move the tent between First and Second Street as they have done traditionally in the past.

City Manager Spitler clarified that the Resolution should be amended to read that the Chamber will close Washington Street from either Lincoln Avenue to First Street or from First Street to Second Street.

It was **MOVED** by **Vice Mayor Dunsford** and **SECONDED** by **Councilmember Kraus** to approve Item No. 3 on the Consent Calendar. The Motion was carried unanimously.

J) PUBLIC HEARING

- 5) **Proposed Solage Local Benefit Districts Reimbursement Agreement**

Mayor Gingles stated that there will be no action taken on this item this evening.

Public Works Director Takasugi presented the item. He stated that they would like to continue the public hearing to the March 6th, 2012, City Council meeting. He noted that this item was previously discussed at a special Council Study Session held on January 24th, 2012. He gave a brief explanation of the Reimbursement Agreement's framework. He gave a PowerPoint presentation which outlined the following: the basis for the Reimbursement Agreement, the Development Agreement the City has with Solage, the formation process, cost summaries for water, sewer and drainage, the water, sewer and drainage methodologies and the reimbursement trigger conditions. He discussed the area of benefit and questions of whether certain properties should or should not be included. He

stated that staff is currently working with Solage to find an adequate solution to this issue.

Commissioner Canning asked for clarification from staff about the Bald Mountain Development (Silver Rose) project and whether it will be included in the Reimbursement Agreement. **Public Works Director Takasugi** stated that they are working with Solage ownership regarding this issue, but at this time they have not found an adequate resolution.

Mayor Gingles opened the public hearing at 7:24 p.m.

Dennis Julio, Calistoga Beverage Company, Stanford, Connecticut, stated that they were surprised when they received a letter alerting them of this matter months ago, especially since so much time has passed since the development of this project. He stated that they would like to make sure that the triggers are handled consistently for those affected by this Reimbursement Agreement.

Steve Butler, Santa Rosa, Attorney speaking on behalf of Solage, thanked staff, Council and the City Attorney for continuing to work through some of the issues. He noted that with respect to the Luvisi issue, City Attorney Davis drafted some language which would defer payment on minor subdivisions and provide for incremental collection over time. He stated that that language is acceptable to Solage, but their only request is that if collections are to be deferred over time they would like an additional period of time for the term of the agreement to run. He stated that they are currently discussing this with City staff. He addressed the questions raised regarding the area of benefit with regard to the properties in question.

Mayor Gingles asked staff why this public hearing is taking place at the March 6th, 2012 meeting, and not taking place on the February 21st, 2012 meeting. **Public Works Director Takasugi** stated that there are some weighty issues that need to be addressed that will take more time than had been originally expected. Staff expects to have more of a resolution by the March 6th, 2012 City Council meeting.

Mike Robertson, with Robertson Engineering Inc., 2300 Bethards Drive, Santa Rosa, represents Great Springs Waters of America, requested that they are given the opportunity to be included in discussions between staff, Solage and various property owners regarding the reimbursement agreement and changes thereto. He would like staff to contact him when such discussions are going to take place.

Mayor Gingles closed the public hearing at 7:33 p.m. reserving the right to reopen it at any given time.

Mayor Gingles asked staff what can be expected at the March 6th, 2012 City Council meeting. **Public Works Director Takasugi** stated that a final draft can be expected at that meeting to be approved by a resolution.

Councilmember Canning discussed what his expectations are from staff when the final draft is brought back to the Council at the March 6th, 2012 City Council meeting. He stated that if there are properties being eliminated from the benefit area that were originally considered, and there needs to be a very clear explanation as to why those benefit areas are being removed (specifically with regard to the Bald Mountain Development (Silver Rose) property and the Village Inn & Spa). He stated that he would also like a clearer explanation as to what triggers this reimbursement agreement.

Public Works Director Takasugi asked for feedback from Council with regard to requesting reimbursement from the Developer for engineering and legal costs associated with making any changes to the maps, spread of benefits and reimbursement agreement language per the Development Agreement.

Council discussion ensued. Council is very concerned with the Bald Mountain Development (Silver Rose) parcel and the Village Inn & Spa parcel not being included in the area of benefit.

Mayor Gingles closed the Public Hearing at 7:51 p.m.

Mayor Gingles reopened the public hearing at 7:52 p.m. to continue it to the March 6th, 2012 City Council Meeting.

K) GENERAL GOVERNMENT

6) Status of Possible Spring Opening of the Community Swimming Pool

Recreation Services Manager Lemen presented the item. She stated that starting February 13th, 2012, the Calistoga High School will be using the large lap pool for a new High School swim team that was organized. She stated that this presents an opportunity for allowing community usage prior to the regular pool season opening of May 12th, 2012. She stated that in order to do so, additional funding is required, and this will not be provided by the City. She stated that she approached the Calistoga Community Pool Project (CCPP) to discuss ideas and suggestions on how to make this early opening successful or whether it is even feasible. She discussed the classes that would be offered during this early opening.

City Manager Spitler stated for clarification that the recommendation is to have Council authorize him to approve a pre-season community swim program, provided outside funds become available in a timely manner.

There was Council consensus that they are in support of the early opening, however, the program will need to be able to pay for itself, as the city is not able to subsidize this with any general fund money.

Mayor Gingles opened the item for public comment at 8:06 p.m.

Sue Mauro, 1313 Silver Street, represents a grass roots movement called SwimNow!. She stated that they are spreading the word around the community to gather support for a pre-season opening of a community swim program. She stated that she is in support of the pay-to-play model.

Kerry Eddy, 3870 Highway 128, sated that she is in support of the pay-to-play model. She stated that the Calistoga Pool Advisory Committee (CPAC) was created to investigate, take public input and to advise Council on matters involving the pool. She stated that she urges Council to open the pool earlier and to direct staff to convene the CPAC in a timely manner so that a reasonable and cost effective program recommendation can be found.

City Manager Spitler stated that he is available to meet with CPAC to discuss their ideas, but wants to be clear that the City does not have the money to subsidize the early opening of the pool.

Mayor Gingles closed the public portion at 8:13 p.m.

Mayor Gingles stated, for the record, that City Manger Spitler attended the City Manager's Conference in Indian Wells, and it was very well attended and successful.

He stated that he attended two court hearings last week. One regarding the Measure A suit, which the City prevailed on. The other hearing was to discuss the public trust item regarding attorney's fees, and this is still pending.

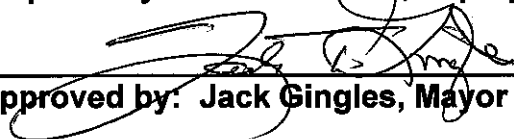
L) ADJOURNMENT

Mayor Gingles adjourned the meeting at 8:14 p.m. to the next scheduled special meeting of the Calistoga City Council, on Tuesday, February 21, 2012, Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

Respectfully submitted:



Prepared by: **Amanda Davis, Deputy City Clerk**



Approved by: **Jack Gingles, Mayor**